

1 REMARKS

2 Status of the Claims

3 Claims 1-38 remain pending in the present application. Claim 35 was amended to correct a  
4 typographical error.

5 Claims Rejected under 35 U.S.C. § 102

6 The Examiner has rejected Claims 1-38 as anticipated by U.S. Patent No. 6,179,713  
7 (James et al. – hereinafter referred to as “James”). Applicants have reviewed James, but fail to find  
8 any justification for this rejection and respectfully disagree with the Examiner’s rejection for the  
9 following reasons.

10 Each of the independent claims in the present application is generally directed to a method or  
11 system for enabling a host player to select one or more other players to participate in a multiplayer  
12 online electronic game. The players who are participating in the electronic game can be selected by  
13 the host player from those participating in a chat session, or from a list of contacts created by the host  
14 player. Furthermore, as indicated in several of the independent claims, the host player can be linked  
15 to others in a voice chat session so that any of the other persons who are participating in the voice  
16 chat session can selectively launch an instance of the multiplayer online electronic game and become  
17 a participant. In contrast, the cited James reference is generally directed to a computer game that is  
18 played over a computer network, such as the Internet, and which enables the players coupled together  
19 in the game to input moves and to remain aware of the state of the game with the input/output  
20 functions of a Web browser. The abstract of James indicates that “the game can be played with  
21 substantially no other game related software, plug-ins, or add-ons.” Further details of a suitable game  
22 environment are taught by James, but these details do not appear relevant to the specific recitation of  
23 applicants’ claimed invention. While James teaches that a chat session can be maintained within the  
24 game environment, there is simply no disclosure of the interaction between participants in a chat  
25 session outside of a game session, and no teaching or suggestion of initiating a game from within a  
26 general chat session, so that the participants in the chat session become players of the game. Indeed,  
27 it appears that James only discusses a chat session among those who are already players within the  
28 game environment.

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1 In rejecting Claim 1, the Examiner cites col. 14, lines 35-62 of James as teaching "enabling  
2 the host player to create a list of contacts comprising one or more other persons who may be  
3 interested in participating in playing the multiplayer online electronic game." Having reviewed this  
4 section of James, applicants are hard pressed to understand the Examiner's justification for citing to  
5 it, since there is no mention therein of enabling a host player to create a list of contacts or selecting  
6 persons from such a contact list who might be interested in playing a game. Instead, this section of  
7 James discusses an "enhanced embodiment" of the James invention and discusses the internal  
8 architecture of a game website 406 that includes a web server 408 running a game processor 410, a  
9 database server 412 that includes a game database 414 and a messaging database 416, and a  
10 messaging server 418. Nothing within this section of James teaches or suggests enabling any player  
11 to create a list of contacts, or as recited in subparagraph (b) of Claim 1, enabling the host player to  
12 select one or more other persons from among the list of contacts to participate in playing a  
13 multiplayer online electronic game. Therefore, neither of these aspects of the invention recited in  
14 Claim 1 is taught or suggested by James.

15 The Examiner cites col. 4, line 64 through col. 5, line 21 of James in asserting that the  
16 reference teaches "automatically sending an electronic invitation to each of the one or more other  
17 persons selected by the host player, to join in playing the multiplayer online electronic game, and  
18 enabling each of the one or more other persons who receive the electronic invitation that was  
19 automatically sent, to selectively join the multiplayer online electronic game as a participant."  
20 However, this section of James simply discusses "additional ways for players to interact with the  
21 game and with each other besides the ability to submit moves and view the resulting changes in the  
22 game universe." Specifically, this portion of the James disclosure teaches that *the game universe*  
23 includes "a real-time chat area, a player-to-player email system, an interactive encyclopedia  
24 describing the game's setting, and a help function offering information on how to play the game as  
25 well as tips and strategies." Applicants' claims are not limited to providing a chat session only within  
26 a game universe. Furthermore, James' provision of a real-time chat area within a game universe does  
27 not suggest applicants' recited steps for automatically sending an electronic invitation to each of the  
28 persons selected by the host player to join in playing the multiplayer online electronic game. It  
29 would not be obvious to do so, in view of James, since the participants in a chat session are already  
30 joined within the game universe, e.g., as participants in a game already in progress. In addition, this

1 section of James does not teach or suggest that persons receiving an electronic invitation, which was  
2 automatically sent, might be able to selectively join the multiplayer online electronic game as a  
3 participant. The mere mention by James of a "real-time chat area" indicates that once players are  
4 within the game environment, they are able to engage in a chat session with each other. However,  
5 such a teaching does not justify the Examiner's conclusion that James anticipates or even suggests  
6 applicants' claimed invention, as defined by Claim 1. Accordingly, it is clear that Claim 1 defines a  
7 novel and non-obvious invention that is not taught or suggested by James.

8 In rejecting Claim 14, the Examiner cites to col. 13, lines 2-8 of James as teaching "enabling  
9 the host player to initiate a chat session." However, this section of James has absolutely nothing to  
10 do with the recited step in Claim 14. Instead, this portion of James discusses a "Command Center,"  
11 which it states "provides a convenient means to explain the game's main functions." The last  
12 sentence in this section indicates that a "player may also choose to open a chat window at the bottom  
13 of the screen." However, this section of James does not refer to the player who opens a chat window  
14 as a being a host player and does not teach or suggest that a player who is a host player selects one or  
15 more other players to participate in the multiplayer game. Clearly, the teaching by James that a  
16 player may open a chat session fails to teach or suggest that a host player as defined by applicants'  
17 claims can do so.

18 The Examiner then cites col. 14, line 47 through col. 15, line 14 of James for teaching  
19 "enabling the host player to invite one or more other players to join the chat session," and "enabling  
20 any of the players who are invited by the host to be a participant in the chat session." Having  
21 reviewed this section of James, it is not apparent why the Examiner has cited to it. There is no  
22 mention therein of a host player, or of any equivalent person. The section mentions a messaging  
23 service for a team that handles various player services such as real-time chat rooms, but no teaching  
24 or suggestion of enabling a player who was invited by the host player to be a participant in a chat  
25 session. Simply providing a chat room within a network game environment is not the same as  
26 creating a chat session outside of a game environment to enable a host player to select other players  
27 to participate in playing a multiplayer game over the network. The Examiner appears to be reading  
28 far too much into the simple mention of a chat room and has ignored that the other details recited in  
29 the claim are not disclosed or suggested by the James reference.

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1 Finally, the Examiner cites to col. 13, lines 10-36 in James for teaching "automatically  
2 launching an instance of the multiplayer online electronic game on each electronic device being  
3 operated by any player participating in the chat session, said step of automatically launching being in  
4 response to a game initiating action performed by the host player so that any player participating in  
5 the chat session automatically becomes a participant in the multiplayer online electronic game."  
6 Again, the section of James cited to by the Examiner has no relationship to this portion of Claim 14.  
7 Instead, this section of James refers to a map that is displayed to one side of a player's command  
8 center screen in the game and explains how planets are represented by icons in the display for  
9 showing the planet's ownership. However, this section of James fails to teach or suggest  
10 automatically launching an instance of a multiplayer online electronic game for each person that is  
11 participating in a chat session in response to a game initiating action performed by the host player.  
12 There is no teaching or suggestion that any party participating in the chat session automatically  
13 becomes a participant in the multiplayer online electronic game. In James, it appears that a chat  
14 session includes players who are already participating in an online game. In any case, none of the  
15 details recited by applicants' Claim 14 are taught or even suggested by James. Accordingly, it is  
16 apparent that Claim 14 recites a novel and non-obvious invention.

17 In rejecting Claim 29, the Examiner indicates that col. 13, lines 2-8 of James discloses  
18 "enabling the host player to initiate a voice chat session." However, this section of James simply  
19 indicates that a player "may also choose to open a chat window at the bottom of the screen." No  
20 mention is made in James of a *voice* chat session and James does not refer to the player that initiates  
21 the chat session as a *host* player who is selecting one or more players to participate in a multiplayer  
22 online electronic game. It should be noted that most chat sessions are text sessions, and there is no  
23 reason to believe that James is teaching a voice chat session. Furthermore, since James provides no  
24 specific teaching that the chat session is conducted using voice, it is more likely that it is a text chat  
25 session, since applicants do not believe that there is any mention in any prior art (including within  
26 James) of using a voice chat session to select players to participate in an online game. Without a  
27 specific teaching by James or another relevant prior art reference of a voice chat session, the  
28 Examiner is not entitled to rely upon James for teaching this step of applicants' claims.

29 The Examiner cites to col. 8, lines 29-36 of James as teaching "enabling the host player to  
30 invite one or more other players to join the voice chat session." Yet, when reviewing the portion of

1 James cited to by the Examiner, there is no mention of any player inviting other players to join any  
2 form of a chat session. Instead, this portion of James indicates that a player can interact with the  
3 game using a browser to submit moves to a database and to receive information from the database.  
4 Again, applicants' are hard pressed to understand the Examiner's reasoning in citing to this portion of  
5 James, since the cited portion of James appears to have no relevance to the step recited by applicants'  
6 claims.

7 The Examiner cites col. 4, line 65 through col. 5, line 21 in James as teaching "enabling any  
8 of the players who were invited by the host, to be a participant in the voice chat session." This  
9 portion of James mentions a real-time chat area and states that the James invention has "the effect of  
10 creating a virtual environment within which players can interact in many ways;" however, this  
11 section of James fails to teach or suggest enabling specific players invited by a host player to  
12 participate in a voice chat session. Accordingly, the Examiner has failed to cite any teaching  
13 justifying his assertion that James anticipates this step.

14 Next, the Examiner cites to col. 8, lines 16-44 in James for teaching "enabling the host player  
15 to forward a network address corresponding to an electronic device being operated by the host to any  
16 other player participating in the voice chat session." This section of James specification simply refers  
17 to use of common internet protocols for transmitting data packets over the World Wide Web and the  
18 use of hypertext markup language, which is understood by Web browsers in player computer  
19 systems. There is no teaching of any corresponding step in this section of James and no suggestion  
20 regarding any player forwarding a network address corresponding to a device being operated by that  
21 player, to another player participating in a voice chat session.

22 Finally, the Examiner cites to col. 14 line 47 through col. 15 line 14 for the step recited by  
23 applicants of "transmitting a voice chat message from the host player to any other player participating  
24 in the voice chat session, said voice chat session identifying a multiplayer online electronic game that  
25 the host player will be launching or has already launched on the electronic device operated by the  
26 host player so that any other player participating in the voice chat session can selectively launch an  
27 instance of the multiplayer online electronic game on the electronic device operated by the player, so  
28 that any player participating in the chat session who selectively launches the multiplayer online  
29 electronic game becomes a participant in the multiplayer online electronic game." The only pertinent  
30 aspect of the section referenced by the Examiner in James is its mention of a chat session. All of the

1 other details recited in this step of applicants' Claim 29 are missing from the teaching of James and  
2 would not be obvious in view of James or any other reference in the prior art. There is clearly no  
3 teaching or suggestion that would lead one of ordinary skill, provided the disclosure of James, to  
4 create the invention defined by applicants in Claim 29, since James fails to mention a voice chat  
5 session and does not refer to a host player or enabling players invited by a host player to a chat  
6 session to selectively participate by launching an instance of a multiplayer online electronic game.  
7 Accordingly, Claim 29 clearly defines a novel and non-obvious invention.

8 Claim 33 is a system claim, but includes functions that are generally comparable to the steps  
9 of Claim 29. Accordingly, the remarks set forth above in connection with Claim 29 are also  
10 applicable to Claim 33. For the same reasons noted above, Claim 33 defines a novel and non-obvious  
11 invention.

12 In rejecting Claims 2, 4, 8, and 10, the Examiner cites to col. 3, lines 42-65 in James. In this  
13 section, James teaches that his invention is directed to a centralized server that accommodates  
14 increasing numbers of players and can handle the greater dynamic associated with a large number of  
15 players. This centralized server processes moves entered by players to update the state of the game  
16 and provides the updated state of the game to the players. James does not specifically teach  
17 "providing an availability status for each person in the list of contacts so as to enable the host player  
18 to identify persons in the list of contacts who are currently available to participate in playing the  
19 multiplayer online electronic game." Since James does not disclose or suggest enabling a host player  
20 to select players from a list of contacts, it is clear that the reference is incapable of teaching that the  
21 host player is enabled to identify persons in a list of contacts who are currently available to play a  
22 game. Thus, Claim 2 is not anticipated by James and is not obvious in view of James in combination  
23 with any other reference.

24 Similarly, as further defined in Claim 4, James fails to teach building a list of chat contacts  
25 through the list of an online messaging service and does not teach or suggest that a list of chat  
26 contacts can be automatically parsed to create a list of contacts for the purpose set forth in Claim 1.  
27 Therefore, Claim 4 is not taught or suggested by James or any other reference in combination with  
28 James.

29 There is no disclosure of any electronic invitation to another player that comprises a verbal  
30 message in any portion of James. Thus, Claim 8 is patentable over this reference.

1 James does not disclose providing a list of multiplayer online electronic games to a host  
2 player and enabling the host player to select the multiplayer online electronic game from the list.  
3 Instead, James refers to a single online game and there is no teaching or suggesting of selecting a  
4 current game to play from a list of different online games. Therefore, Claim 10 also recites novel and  
5 non-obvious subject matter.

6 In rejecting Claim 11, the Examiner cites to col. 14, lines 35-62 and to col. 8, lines 29-36.  
7 Neither of these portions of James discloses "providing a user interface including a first display area  
8 on which the list of contacts is displayed and a second display area corresponding to a voice chat  
9 session," or "enabling the host to select the one or more contacts to invite to join the voice chat  
10 session by selecting one or more contacts from among the list of contacts displayed in the first  
11 display area and dragging and dropping them onto the second display area." The portions cited by  
12 the Examiner in James have no relevance to either of these specific steps recited by applicants in  
13 Claim 11. Therefore, Claim 11 is novel and non-obvious in view of the cited reference.

14 In Claim 13, applicants recite a computer readable medium having computer executable  
15 instructions for performing the steps recited in Claim 1. The Examiner rejects this claim based upon  
16 col. 7, line 60 through col. 8, line 28 of James. However, James fails to teach or suggest anything  
17 comparable to a computer readable medium that has computer executable instructions for performing  
18 any of the steps of Claim 1. Accordingly, Claim 13 defines a novel and non-obvious aspect of the  
19 present invention.

20 Col. 14, line 47 through col. 15, line 14 of James is cited by the Examiner in rejecting  
21 Claim 15, which recites "providing a network address of the electronic device the host player is using  
22 and operating so as to enable the host player to invite one or more other players to join in playing the  
23 multiplayer online electronic game, by referencing said network address."  
24 The portion of James cited to by the Examiner refers to a Web server, a database server, and a  
25 messaging server. However, none of these servers relate to the recitation of Claim 15. As already  
26 noted, James fails to refer to a host player and does not provide any teaching or suggestion about  
27 providing a network address of an electronic device used by a host player. Therefore, Claim 15 is  
28 clearly novel and non-obvious in view of James.

29 Claim 16 is rejected over James, col. 14, lines 35-62 and col. 8, lines 29-36. However, neither  
30 of these portions of James teaches or suggests "displaying the player contact list to the host player,"

1 or "enabling the host player to select one or more other players to participate in playing the  
2 multiplayer online electronic game from the player contact list." Therefore, Claim 16 is patentable  
3 over James.

4 In rejecting Claim 21, the Examiner cites col. 4, line 64 through col. 5, line 21 of James.  
5 However, this cited portion of James fails to disclose "sending an electronic invitation to join the chat  
6 session to each of the one or more players invited by the host player to join the chat session." There  
7 is no teaching or suggestion in James of a host player inviting other players to join a chat session and  
8 therefore, it is not surprising that the cited reference fails to disclose sending an invitation to other  
9 players. Accordingly, Claim 21 is clearly patentable over the cited reference.

10 Col. 14, lines 35-62 and col. 8, lines 29-36 of James are cited in rejecting Claim 24. Yet,  
11 neither of these cited portions of James refer to "providing a list of chat sessions that are being hosted  
12 by at least one other player contact in a player contact list built by the player," or "enabling the player  
13 to join a chat session appearing in the list of chat sessions." Once again, applicants are hard pressed  
14 to understand the Examiner's justification for this rejection. Absent a teaching or suggestion in the  
15 cited art for providing a list of chat sessions, there is simply no justification for a rejection of  
16 Claim 24 as anticipated by James. Further, since there is no suggestion of providing such a list or of  
17 enabling a player to join a chat session where the player appears on the list, it is clear that this Claim  
18 is novel and non-obvious over James and is therefore patentable.

19 Claim 25 is rejected over a cite to Fig. 5 of James, which simply shows how the game server  
20 handles the submission and revision of moves by each player that are input as player messages to the  
21 server. Applicants do not understand how the Examiner perceives Fig. 5 indicates "providing a  
22 headset operatively coupled in communication with each of said plurality of electronic devices, each  
23 headset comprising at least one sound transducer and a microphone employed by each players (*sic*) to  
24 participate in a voice chat session." Therefore, Claim 25 is clearly patentable over James.

25 Claim 27 recites "the steps of providing a list of multiplayer online electronic games; and  
26 enabling the host player to select the multiplayer online electronic game that will be played." The  
27 Examiner cites col. 9, lines 26-41 in rejecting Claim 27. But this portion of James that is cited  
28 describes a video interface in which the game space is divided into a game map portion and a status  
29 portion. The game map can be scaled by a user to view various extents of the game space. There is  
30 clearly no teaching or suggestion of providing a list of different electronic games and enabling the



1 host player to select a game that will be played. Instead, James deals with a specific game having a  
2 map portion that is displayed. Therefore, Claim 27 is novel and non-obvious in view of the James  
3 reference.

4 Again, col. 7, line 60 through col. 8, line 28 are cited in rejecting Claim 28 which is directed  
5 to a "computer readable medium having computer executable instructions for performing the steps  
6 recited in Claim 14." For the reasons already noted, the James reference fails to disclose or suggest  
7 the steps in Claim 14 and clearly does not teach or suggest a computer readable medium that includes  
8 machine instructions for doing so. Therefore, Claim 28 is patentable over the James reference.

9 Col. 14, lines 35-62 and col. 8, lines 29-36 are cited in rejecting Claim 30. Yet neither of  
10 these cited portions of James discloses providing a player contact list to a host player or enabling the  
11 host player to select one or more players to participate in a multiplayer online electronic game from  
12 the player contact list. Therefore, Claim 30 is patentable over James.

13 The computer readable medium of Claim 32, which has executable instructions for  
14 performing the steps recited in Claim 29 is rejected over col. 7, line 60 through col. 8, line 28 of  
15 James. For the reasons already noted, such a rejection is unjustified, since there is no teaching of  
16 performing the steps in Claim 29 in any portion of James. Therefore, Claim 32 defines a novel and  
17 non-obvious invention in view of James.

18 The steps of Claim 34 are rejected over col. 14, lines 35-62, and col. 8, lines 29-36 of James.  
19 Neither of these cited portions of James discloses obtaining a player contact list from an online  
20 messaging service, or displaying the player contact list to a host player, or enabling the host player to  
21 select one or more players to participate in a game from the player contact list. There is simply no  
22 basis for the Examiner's assertion that James anticipates Claim 34, and the claim is not obvious in  
23 view of James. Instead, Claim 34 defines a patentable invention.

24 Claim 35 recites "a microphone operatively coupled to the electronic device and which  
25 produces audio signals in response to words spoken by a user into the microphone, and at least one  
26 sound transducer operatively coupled to the electronic device so as to replicate sounds corresponding  
27 to a audio data signal received over the communications network by the electronic device to which  
28 said at least one sound transducer is operatively coupled." In rejecting this claim, the Examiner cites  
29 col. 15, lines 50-59, which again refers to Fig. 5 of James. However, nothing in this section of James  
30 or in Fig. 5 refers to a microphone or a sound transducer. The discussion by James of handling

1 messages that may include email, chat room, encyclopedia, and other game information messages is  
2 not relevant to the details recited in Claim 35. Therefore, it will be apparent that Claim 35 defines  
3 novel and non-obvious subject matter that is patentable.

4 The Examiner also indicates that Claims 3, 5, 6, 7, 9, 12, 17-19, 22, 26, 31, and 36 are  
5 rejected as anticipated by James, generally for the same reasons as the dependent claims discussed  
6 above. Applicants' have reviewed each of the cited portions of James applied by the Examiner to  
7 justify his rejection of these claims and fail to find any teaching or suggestion within the reference  
8 that anticipates any of these claims or which might be viewed as rendering the claimed subject matter  
9 obvious. Accordingly, with all due respect, it is apparent that in each case, the Examiner has failed to  
10 justify or provide any basis for a rational rejection of the dependent claims in view of the cited  
11 teaching of James. Thus, all dependent claims in the present application are patentable because they  
12 define novel and non-obvious subject matter. In addition, each of the dependent claims is patentable  
13 for at least the same reasons as the independent claims on which they are ultimately based.

14 In consideration of the remarks set forth above, it should be evident that all claims in the  
15 present application define a novel and non-obvious invention and are patentable. Accordingly,  
16 applicants' request that the Examiner pass this case to issue without further delay. Should any further  
17 issues remain unresolved, the Examiner is invited to telephone applicants' attorney at the number  
18 listed below.

19 Respectfully submitted,

20   
21

22 Ronald M. Anderson  
23 Registration No. 28,829

24 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed  
25 envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents, P.O.  
26 Box 1450, Alexandria, VA 22313-1450, on June 6, 2003.

27 Date: June 6, 2003  
28 RMA:ssa  
29  
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MARKED UP AMENDMENT TO THE CLAIMS

Please amend Claim 35 as noted below.

35. (Amended) The system of Claim 33, wherein each electronic device includes:

(a) a microphone operatively coupled to the electronic device and which produces audio signals in response to words spoken by a user into the microphone; and

(b) at least one sound transducer operatively coupled to the electronic device so as to replicate sounds corresponding to an audio data signal received over the communications network by the electronic device to which said at least one sound transducer is operatively coupled.

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